

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendment and remarks. The present After-Final Amendment is being made to facilitate prosecution of the application and does not require further search.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-15, 17, 19 and 21-28 are pending in this application. Claims 1, 6, 7, 10, 11, 14, 15, 17, 19 and 21-28, which are independent, are hereby amended. Claims 16, 18 and 20 are canceled, without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided at least at page 16 of the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-14 and 22-24 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent 6,522,672 to Matsuzaki et al.

Independent claim 1 recites, *inter alia*:

“...wherein the information receiving apparatus is adapted to acquire electronic program guide data only during a data transfer rate increase period.” (emphasis added)

As understood by Applicants, U.S. Patent 6,522,672 to Matsuzaki et al. relates to a multiplexer device that has a multiplexing means for multiplexing a plurality types of media information and outputting a multiplexed bit stream, a priority deciding means for deciding priority corresponding to each of the media information, and a multiplexing controller for controlling multiplexing of each of the media information according to the multiplexing means based on the priority decided by the priority deciding means. The priority in each information is multiplexed.

Applicants respectfully submit that the cited portions of U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely “Matsuzaki”) does not teach or suggest the features of independent claim 1. Specifically, Applicants submit that Matsuzaki does not teach or suggest that the information receiving apparatus is adapted to acquire electronic program guide data only during a data transfer rate increase period, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Independent claims 6, 7, 10-14 and 22-24 recite similar features and are believed patentable for similar reasons.

### III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 15-21 and 25-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. in view of U.S. Patent No. 5,801,753 to Eyer et al. in view of U.S. Patent No. 6,522,672 to Matsuzaki et al. Applicants disagree.

Independent claim 15 recites, *inter alia*:

“...acquiring electronic program guide data only during a data transfer rate increase period...” (emphasis added)

As understood by Applicants U.S. Patent No. 6,111,612 to Ozkan et al. relates to packetized video program information used in video processing and storage medium formats that includes program related text messages. A decoder decodes packetized video program information including program related text messages. The decoder determines a broadcast programming time segment associated with a desired program related text message and identifies program related text message data occurring in the determined broadcast programming time segment.

As understood by Applicants, U.S. Patent No. 5,801,753 to Eyer et al. relates to an apparatus and methods for implementing an interactive program guide on an information network. A plurality of database pages are communicated over the information network. Each page corresponds to a time slot over which events are available on the network. Schedule data for each event to be included in the interactive guide is inserted into the database page for the time slot during which the event is to be provided. The database pages are transmitted via the information network at a transmission rate selected to enable the recovery of a particular database page within a predetermined acquisition time limit, for retrieval of schedule data for the time represented by that page. (emphasis added)

Applicants respectfully submit that neither Ozkan, Eyer or Matsuzaki, taken alone or in combination, teach or suggest the above-identified feature of claim 15.

Specifically, Applicants submit that a disclosure of database pages that are transmitted via the information network at a transmission rate selected to enable the recovery of a particular database page within a predetermined acquisition time limit, for retrieval of schedule data for the time slot represented by that page, as described in Eyer et al., does not teach or

suggest acquiring electronic program guide data only during a data transfer rate increase period, as recited in claim 15.

Therefore, Applicants submit that claim 15 is patentable.

Independent claims 15, 17, 19 and 25-28 recite similar features and are believed patentable for similar reasons.

#### IV. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

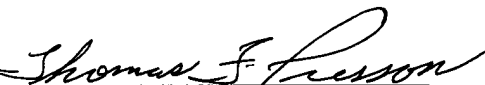
#### CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Applicants submit that this After-Final Response does not require further search and that all of the claims are in condition for allowance. Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
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